

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, APRIL 23, 2009, 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Pat Haukohl	Bob Peregrine	Jim Siepmann	Gary Goodchild
	Walter Kolb	Bonnie Morris	Bill Mitchell	

Commission

Members Absent: None.

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
Kathy Brady, Secretary Supervisor

Guests Present: David Wolfe Gary Lake John Lindert

CORRESPONDENCE: None.

MEETING APPROVAL: None.

MINUTES

- *Mr. Peregrine moved, seconded by Mrs. Morris and carried unanimously for approval of the April 2, 2009, Minutes, as corrected.*

PUBLIC COMMENT None.

- **SZT-1686 (Marni Lynn and Rebecca Young, Estate of Ruth Vollmer) Town of Mukwonago, Section 35 (R-2 Residential District to the R-3 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated April 23, 2009, and made a part of these Minutes. He pointed out the location of the property, at W299 S10620 Phantom Woods Road, in the Town of Mukwonago on the aerial photograph.

Mr. Mace indicated the petitioner is proposing a Certified Survey Map which would combine five (5) lots into two (2) lots. The request is to rezone the newly proposed Lot 2 from the R-2 Residential District to the R-3 Residential District. Chairperson Haukohl expressed concerns that the proposed rezoning may be considered "spot zoning". She indicated the surrounding properties are all zoned in the R-2 Residential District. Mr. Mace disagreed, and explained that "spot zoning" is where a rezone occurs that allows a use different than the surrounding properties. Proposed Lot 2 will continue as a residential use and added that the R-3 Residential District differs from the R-2 Residential District only with respect to lot sizes not uses. Mr. Goodchild supported the rezone and noted that two (2) lots would be created from the five (5) existing lots and the right-of-way widths would be reduced on Circle Drive.

After discussion, Mr. Peregrine moved, seconded by Mr. Siepmann, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **ZT-1689 (Jeffrey and Maureen Schaf) Town of Eagle, Section 35 (C-1 Conservancy District to the A-2 Rural Home District)**

Mr. Mace presented the “Staff Report and Recommendation” dated April 23, 2009, and made a part of these Minutes. He pointed out the location of the property, at W352 S10498 Tuohy Road in the Town of Eagle on the aerial photograph, on the west end of Eagle Springs Lake.

Mr. Mace said there have been two (2) variances on the property recently, one in 2006 for conservancy/wetland set back requirements and one in 2008 for a 75’ floodplain and wetland setback requirement. The petitioners plan to construct a new residence on the property to replace the existing residence. The Town’s rezone ordinance and map was submitted to the County indicating the floodplain area as being rezoned. The County suggested the Town (who agreed to revise their paperwork at their next Town Board meeting) revise their ordinance to reflect the Zoning Map attached to the Staff Report and Recommendation which identifies a 2006 wetland determination. Mr. Mace suggested the Commission could approve the rezone and the Planning and Zoning Division Staff would hold the paperwork until the Town submits a revised Ordinance reflecting this change and the Town agreed. Chairperson Haukohl asked what the Commission is being asked to approve? Mr. Mace replied, the entire property is currently zoned as C-1 Conservancy District. The upland portion of the property including the driveway would be rezoned to the A-2 Rural Home District.

After discussion, Mr. Mitchell moved, seconded by Mrs. Morris, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SZT-1669A (Camtec, Inc.) Town of Eagle, Section 1**

Mr. Mace presented the “Staff Report and Recommendation” dated April 23, 2009, and made a part of these Minutes. He pointed out the location of the property, in Section 1 of the Town of Eagle on the aerial photograph and indicated the petitioner is requesting to amend Condition No. 10 of Enrolled Ordinance No. 162-114 to extend the time frame for development for five (5) years.

Mr. Mace said the original rezone ordinance was adopted by the County Board of Supervisors on March 25, 2008. Specifically, the only change is to extend the time frame for development on the property for five (5) years from the current three (3) year requirement.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1151H (SBA Structures) Town of Genesee, Section 22**

Mr. Mace presented the “Staff Report and Recommendation” dated March 23, 2009, and made a part of these Minutes. He pointed out the location of the property on the south side of C.T.H. “D”, approximately one-quarter mile west of Brookhill Road in the Town of Genesee and stated the request is to install a diesel generator at the base of the existing lattice communications tower on the property to provide backup power for all of the cellular carriers on the tower.

Mr. Mace indicated there is currently a 170' tall lattice tower and a 70' x 65' fenced area on the property which is leased by SBA Structures to various cell companies. The property is located in an industrial zoned area. Chairperson Haukohl asked how close the nearest residence is located to the tower, to which Mr. Mace replied, approximately 508'. The proposed diesel generator would be tested once a week for 15 minutes. The generator would be able to provide backup power for all of the carriers on the tower (six) and currently, one of the carriers has agreed to use the generator. The petitioner states the reason for utilizing a diesel generator in place of natural gas is that during a disaster natural gas would most likely be shut off.

There was discussion regarding the use of a natural gas generator vs. a diesel generator. Mr. Mitchell indicated that in the past, the Park and Planning Commission has instructed the Planning and Zoning Division Staff to inform any applicants who request a diesel generator for cell towers to investigate whether natural gas is available and if feasible, a natural gas generator shall be required rather than a diesel generator. He wondered if it should be addressed at this point on this specific request. His concern was that if this request for a diesel generator is approved for the reasons stated, any future applicants could cite the same argument. Chairperson Haukohl added with other cell tower requests, noise levels for the diesel generators, environmental issues and the proximity of neighboring residences were considered.

Mr. Wolfe, representing SBA Structures said that in the event of a natural disaster, diesel fuel would be more feasible than natural gas which may be shut off for emergency reasons. He argued that hospitals, the State Patrol, etc. all utilize diesel generators. Mr. Mace said since the nearest residence is 500' from the tower, he was not concerned that the noise a diesel generator would make would be a significant issue. Mr. Goodchild noted that many of the cell tower sites are leased or rented which could result in the lease having to be updated. Chairperson Haukohl asked Mr. Wolfe if he had read over the conditions on the "Staff Report and Recommendation"? Mr. Wolfe asked, if the matter is approved, could a smaller, single carrier diesel generator be substituted for the one (1) larger generator (required in Condition B, 1) to service a total of six (6) carriers? He further noted, at the current time, there is only one carrier interested in using the generator. The Commission members replied that six (6) separate diesel generators would not be acceptable. Mr. Wolfe said the single generator could be upgraded as more carriers became interested in using it. The Commission again disagreed and said the generator would have to be capable of servicing six (6) carriers whether or not they are interested in utilizing it at this time. Mr. Mitchell cautioned Mr. Wolfe that if the Commission were to approve a less restrictive use, the matter would have to go back to the Town of Genesee and start at the beginning of the Conditional Use process.

After discussion, Mr. Kolb moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1497 (Poplar Creek Streambank Restoration) Town of Brookfield, Section 30**

Mr. Mace presented the "Staff Report and Recommendation" dated March 23, 2009, and made a part of these Minutes. He pointed out the location of the property, northwest of the intersection of North Barker Road and Larkspur Drive in the Town of Brookfield on the aerial photograph and stated the request is for earth-altering activities in conjunction with the stabilization of approximately 860 ft. of the west bank of Poplar Creek.

Mr. Mace indicated the proposed project is to reduce erosion of the west bank of Poplar Creek which separates it from the Brook Park Detention/Stormwater Pond. Chairperson Haukohl asked if there was any State or Federal funding for the project? Mr. Lindert from Strand Associates replied, they were unable to secure Stategrants or Federal funds for the project. Chairperson Haukohl pointed out if the stream migrates further west it would jeopardize the stability of the existing berm which separates Poplar Creek from the detention pond and sediment and pollutants from the pond would enter the creek. There was discussion as to when the detention pond was created, to which Mr. Lake (Town of Brookfield Building Inspector) stated that the subdivision was developed in the mid 1970's along with the ponds.

After discussion, Mrs. Morris moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances

ADJOURNMENT

With no further business to come before the Commission, Mr. Goodchild moved, seconded by Mr. Peregrine to adjourn at 2:10 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:kab